

**REMARKS**

Reconsideration and allowance of this application are respectfully requested. Currently, claims 2-8, 10-14, 23-29, 31-34 and 43-44 are pending in this application.

**Information Disclosure Statement:**

On June 13, 2003, an Information Disclosure Statement (IDS) including a Form PTO-1449 was filed in the present application. As of the present date, however, an initialed and dated Form PTO-1449 has not been returned to the undersigned. For the Examiner's convenience, Applicant has submitted herewith a fresh copy of the Form PTO-1449. Applicant respectfully requests that the Examiner consider the cited references and initial and return Form PTO-1449.

**Rejections Under 35 U.S.C. §103:**

Claims 2-6, 9-14, 23-27 and 30-35 were rejected under 35 U.S.C. §103 as allegedly being unpatentable over Mical et al (U.S. '647, hereinafter "Mical") in view of Dao et al (U.S. '077, hereinafter "Dao"). Applicant respectfully traverses this rejection.

In order to establish a prima facie case of obviousness, all of the claimed limitations must be taught or suggested by the prior art. Applicant respectfully submits that the combination of Mical and Dao fails to teach or suggest all of the claimed limitations. For example, Applicant submits that the combination fails to teach or suggest a character control program which moves a character in a manner

related to at least one of an amount and a direction of a tilt applied to a housing held by a player.

Mical discloses a hand-held electronic game apparatus having display screen 23. Images on display screen 23 may be tilted or rotated in order to accommodate, for example, both right-handed and left-handed players. However, the display of display screen 23 is rotated only upon the simultaneous depressing of switches 44 and 45. (See col. 5, lines 7-15 and col. 6, lines 17-21). During game play, a player utilizes switch 28 and buttons 40 and 41 or 40a and 41a in a conventional manner. Tilting housing 22 of Mical would not affect game play at all. For example, tilting housing 22 would not affect the movement of the airplane or house character (see Figs. 1-3) within game play.

The Office Action admits “While Mical teaches the detection of change of the image {rotation/inversion} due to a change in switches contained within the housing, Mical lacks the explicit disclosure of a change-state detection related to an amount of a change direction/tilt applied to the housing.” Applicant submits that Dao fails to remedy this deficiency of Mical with respect to the presently claimed invention. Dao merely discloses a computer control device 10 having accelerometers 12, 14, 16 and processing circuit 18.

If the teachings of Mical were combined with the teachings of Dao, the combination would not have taught or suggested a character control program moving a character related to at least one of an amount and a direction of a tilt

applied to the housing held by a player. In particular, if the acceleration sensors 12, 14, 16 of Dao were combined with Mical, the resulting combination would merely enable the acceleration sensors 12, 14, 16 of Dao to automatically perform the tilting/rotation functions now provided by the selection of switches 44, 45 of Mical. The resulting combination of Mical and Dao would therefore involve automatically tilting or rotating the entire display screen 23 of Mical in accordance with the tilting of housing 22 of game apparatus 21. The hypothetical combination of Dao and Mical would thus automatically make the screen right or left-handed, thereby eliminating the need for switches 44-45. However, the combination of Dao and Mical would not involve changing the movement of a player controlled character within game play. That is, if acceleration sensors 12, 14, 16 of Dao were incorporated into game apparatus 21 of Mical so as to perform the tilting/rotation features formally provided by the manual selection of switches 44, 45, the movement of the characters within the game play would still be solely dependent upon the operation of switch 28 and buttons 40 and 41 or 40a and 41a of Mical.

In summary, while the hypothetical electronic game apparatus resulting from the combination of Mical and Dao would automatically rotate/tilt screen display 23 to automatically accommodate left or right-hand users (thereby eliminating the need for switches 44 and 45), this hypothetical game apparatus would not control character movement based on a tilt of the housing. If character movement were affected by movement of the housing, it appears that such

character control may interfere with the rotation/tilting of the entire screen (formally provided by the selection of switches 44, 45). That is, if the housing were rotated, game apparatus 21 might not be able to determine whether the rotation of the housing is intended to rotate the entire screen to accommodate a different handed (right or left-handed) user or to cause movement in the character within game play. Tilting Mical's housing 22 is used merely to accommodate left and right-hand users and not to affect character movement within game play. Incorporating Dao's acceleration sensors 12, 14 and 16 into Mical would simply automate tilting/rotating for different handed users and would not affect video game character movement within game play.

Accordingly, Applicant respectfully submits that claims 2-6, 10-14, 23-27 and 31-35 are not "obvious" over Mical and Dao and therefore respectfully requests that the rejection of these claims under 35 U.S.C. §103 be withdrawn.

Claims 7-8, 28-29, 36 and 43-44 were rejected under 35 U.S.C. §103 as allegedly being unpatentable over Mical in view of Dao and further in view of Saito (U.S. '438). Claims 7 and 28 have been rewritten in independent form. The combination of Mical, Dao and Saito fails to teach or suggest, *inter alia*, a change-state detector for detecting an amount and/or direction of change applied to a housing of a portable game apparatus being accommodated in a cartridge as required by independent claim 28. Independent claim 7 requires a similar feature. The cartridge accommodating the change-state detector is loaded in the housing of

the portable game apparatus. Through the above claimed feature, even if a game console is not provided with a change-state detector, it is possible to use the change-state detecting in selected games by incorporating such a detector in the game cartridge itself. In addition, the specific detector included in the game cartridge can be specifically tailored to the requirements of the game provided by the cartridge, rather than being dictated generally for all games by including the detector in the game console housing itself. Again, the combination of Mical, Dao and Saito fails to teach or even suggest this claimed feature. For example, while Dao discloses a cassette portion 42, Saito fails to disclose a change-state detector detecting at least one of an amount and a direction of change applied to the housing of the portable game apparatus being accommodated in cassette portion 42. Applicant therefore respectfully requests that the rejection of still pending claims 7-8, 28-29 and 43-44 under 35 U.S.C. §103 be withdrawn.

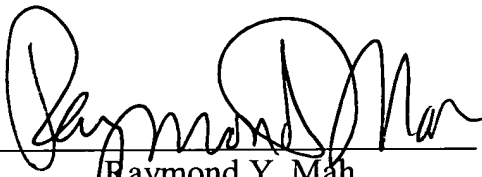
**MASUYAMA et al.**  
**Application No. 09/677,577**  
**December 29, 2003**

**Conclusion:**

Applicant believes that this entire application is in condition for allowance and respectfully requests a notice to this effect. If the Examiner has any questions or believes that an interview would further prosecution of this application, the Examiner is invited to telephone the undersigned.

Respectfully submitted,

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